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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 SEGLEND A CRIGLER,

12 Plaintiff,

13 v.

14 AMERICAN STOCK TRANSFER &  
15 TRUST COMPANY, LLC,

16 Defendant.

No. 2:13-cv-1343-JAM-KJN PS

ORDER

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18 Plaintiff Seglenda Crigler, proceeding in this action without counsel and in forma  
19 pauperis, commenced this action on July 5, 2013. (ECF No. 1.)<sup>1</sup> Plaintiff, presently a resident of  
20 San Francisco, California, alleges that defendant American Stock Transfer & Trust Company,  
21 LLC, a New York company, deliberately misrepresented or concealed plaintiff's stock earnings.  
22 Liberally construed, plaintiff's complaint appears to assert claims for fraud, a violation of 18  
23 U.S.C. § 1348 for securities and commodities fraud, and violations of the Fourteenth Amendment  
24 against defendant. (Id.)

25 On July 25, 2013, the court issued findings and recommendations recommending that  
26 plaintiff's action be dismissed without prejudice based on improper venue. The court explained

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28 <sup>1</sup> This case proceeds before the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C.  
§ 636(b)(1).

1 that, according to the federal venue statute, a civil action “may be brought in (1) a judicial district  
2 in which any defendant resides, if all defendants are residents of the State in which the district is  
3 located; (2) a judicial district in which a substantial part of the events or omissions giving rise to  
4 the claim occurred, or a substantial part of property that is the subject of the action is situated; or  
5 (3) if there is no district in which an action may otherwise be brought as provided in this section,  
6 any judicial district in which any defendant is subject to the court’s personal jurisdiction with  
7 respect to such action.” 28 U.S.C. § 1391(b). “The district court of a district in which is filed a  
8 case laying venue in the wrong division or district shall dismiss, or if it be in the interest of  
9 justice, transfer such case to any district or division in which it could have been brought.” 28  
10 U.S.C. § 1406(a). The court noted that plaintiff resides in San Francisco, California, which is  
11 located in the Northern District of California, and defendant is headquartered in New York.  
12 Thus, the court determined that venue in this district is improper and recommended dismissal of  
13 the action without prejudice pursuant to 28 U.S.C. § 1406(a).

14       Thereafter, on August 14, 2013, plaintiff filed an ex parte motion to amend her complaint.  
15 (ECF No. 4.) In light of that motion, the pending findings and recommendations were vacated.  
16 (ECF No. 5.) After reviewing plaintiff’s motion, the court remains unconvinced that venue in the  
17 Eastern District of California is proper.<sup>2</sup> In particular, plaintiff’s motion indicates that while she  
18 presently resides in San Francisco, California, she formerly “resided at 1601 12<sup>th</sup> Street #4,  
19 Sacramento, CA 95814 from October 10, 2009 to October 15, 2012, where the substantial part of  
20 the events, and omissions occurred.” (*Id.* at 2.) Although this information at least sheds some  
21 light as to why plaintiff filed this action in the Eastern District of California, it is generally the  
22 *defendant’s residence*, and not the plaintiff’s residence, that guides the venue inquiry.  
23 Furthermore, although plaintiff states in conclusory fashion that a substantial part of the events or  
24 omissions giving rise to her claims occurred in this district, she alleges no facts in that regard. To  
25 the contrary, it appears that defendant’s alleged fraudulent actions and activities took place in  
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27 <sup>2</sup> Plaintiff’s motion to amend did not actually seek to amend plaintiff’s substantive allegations and  
28 claims, but essentially sought to clarify why plaintiff brought the instant action in the Eastern  
District of California. (ECF No. 4.)

1 New York.

2 Although it was previously somewhat unclear in which New York district defendant  
3 resides, and the court thus recommended dismissal without prejudice in lieu of transferring the  
4 case, a further search of the records of the New York Secretary of State confirms that defendant  
5 resides in the Eastern District of New York.<sup>3</sup> Because filing in this district was likely an  
6 inadvertent error by a pro se litigant unfamiliar with the federal venue rules, and in consideration  
7 of judicial efficiency and economy, the court finds that transfer of the action to the Eastern  
8 District of New York pursuant to 28 U.S.C. § 1406(a) would be in the interest of justice.

9 Finally, the court observes that, even if plaintiff could allege additional facts showing that  
10 venue was not strictly improper under 28 U.S.C. § 1406(a), a transfer of venue pursuant to 28  
11 U.S.C. § 1404(a) would nonetheless be warranted. 28 U.S.C. § 1404(a) provides that “[f]or the  
12 convenience of parties and witnesses, in the interest of justice, a district court may transfer any  
13 civil action to any other district or division where it might have been brought or to any district or  
14 division to which all parties have consented.” Here, while litigating the case in the Eastern  
15 District of New York would be less convenient for plaintiff, and litigating the case in the Eastern  
16 District of California would be less convenient for defendant, most of the witnesses and evidence  
17 concerning plaintiff’s fraud claims would be located in the Eastern District of New York.  
18 Therefore, on balance, the interest of justice militates in favor of venue in the Eastern District of  
19 New York.

20 Accordingly, for the reasons outlined above, IT IS HEREBY ORDERED that:

- 21 1. The action is TRANSFERRED to the United States District Court for the Eastern  
22 District of New York pursuant to 28 U.S.C. § 1406(a), or alternatively, pursuant to 28  
23 U.S.C. § 1404(a). The court expresses no opinion regarding the merits of plaintiff’s  
24 claims.

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26 <sup>3</sup> Consistent with defendant’s website, the New York Secretary of State’s website provides an  
27 address for defendant in Brooklyn, New York, which is located in the Eastern District of New  
28 York. See [http://www.dos.ny.gov/corps/bus\\_entity\\_search.html](http://www.dos.ny.gov/corps/bus_entity_search.html); see also  
[http://www.amstock.com/main/nav\\_contactUs.asp](http://www.amstock.com/main/nav_contactUs.asp).

